

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT ¹⁰
 ON 7/28/2015
 Julie Richards Johnston, Clerk
 US District Court
 Eastern District of NC

United States of America

v.

Devon Eric Smith

)

)

)

Case No: 5:04-CR-364-1BO

)

USM No: 50447-056

Date of Original Judgment:

May 4, 2007

)

Date of Previous Amended Judgment:

June 23, 2011

)

Cindy Bemby

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
 PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED.☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflectedin the last judgment issued) of 168months is reduced to 135 months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated May 4, 2007, and June 23, 2011,
 shall remain in effect. IT IS SO ORDERED.

Order Date:

7-28-15

Terrence W. Boyle
 Judge's signature

Effective Date:

November 1, 2015

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title